

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
Writ Petition No. 280 (S/B) of 2006

State of Uttaranchal through
Principal Secretary (Housing),
Secretariat, Dehradun

..... Petitioner

Versus

1. Public Service Tribunal, Dehradun
2. Shri Deepak Sharma s/o Shri Promod Sharma,
R/o 126 – HIG, Indira Puram,
Dehradun. Respondents

.....

Sri Kanwaljit Singh, Advocate for the petitioner.
Sri B.D. Upadhyay, Advocate for respondents no. 2.

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble Rajesh Tandon, J.

RAJEEV GUPTA, C.J. (Oral)

Sri Kanwaljit Singh, Advocate for the petitioner.

Sri B.D. Upadhyay, Advocate for respondents no. 2.

They are heard.

2. Petitioner – State has filed this writ petition against the order dated 02.08.2006 passed by Vice Chairman (A) of the Public Services Tribunal, Uttaranchal in Claim Petition No. 51 of 2006.

3. Sri Kanwaljit Singh, the learned counsel for the petitioner – State submits that though the Vice Chairman (A) has directed that the matter be placed before the Division Bench, which is hearing the contempt petition in the matter, certain observations have been made in the impugned order dated 02.08.2006 which may adversely affect the case of the petitioner – State before the Division Bench.

4. Sri Upadhyaya, the learned counsel for the second respondent (petitioner before the Tribunal) does not dispute that impugned order dated 02.08.2006 does not grant any relief to the petitioner before the Tribunal

and only operative direction in the impugned order is to the effect that the matter be placed before the Division Bench, which is hearing the contempt petition also.

5. On due consideration of the submissions of the learned counsel for the parties, we are of the opinion that it was quite unnecessary on the part of the Vice Chairman (A) to have made observations in regard to the alleged conduct of the parties in the impugned order when the matter was to be placed for hearing before Division Bench.

6. We, therefore, direct that the Division Bench shall hear and decide the matter without being influenced by the observations made in the impugned order about the alleged conduct of the parties.

7. With the above observations, the writ petition stands disposed of.

8. With the above order, CLMA No. 11361 of 2006 also stands disposed of.

(Rajesh Tandon, J.)

06.09.2006

(Rajeev Gupta, C.J.)

06.09.2006

A